

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ROBBIE E. CAMPBELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-02811

WILLIAM KINCAID, et al.,

Defendants.

**ORDER**


This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge submitted findings of fact and recommended [Docket 28] that I grant the motions to dismiss filed by defendants Ballard and Rubenstein [Docket 14] and defendant Kincaid [Docket 16], dismiss the plaintiff's Complaint [Docket 2] for failure to state a claim upon which relief can be granted, and deny as moot the plaintiff's motions for injunctive relief [Dockets 19, 20, and 25]. Thereafter, only the plaintiff filed objections [Docket 30].

I have reviewed *de novo* those portions of the Proposed Findings and Recommendation to which the plaintiff has filed specific objections, and I **FIND** that the plaintiff's objections are ultimately without merit. Therefore, I **ADOPT** the Magistrate Judge's Recommendation [Docket 28], **GRANT** the motions to dismiss filed by defendants Ballard and Rubenstein [Docket 14] and defendant Kincaid [Docket 16], **DISMISS** the plaintiff's Complaint [Docket 2] for failure to state

a claim upon which relief can be granted, and **DENY as moot** the plaintiff's motions for injunctive relief [Dockets 19, 20, and 25].

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 26, 2014



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE